

1 THE WITNESS: That's right. That's right.

2 THE COURT: Okay.

3 THE WITNESS: They were within half a block each  
4 time.

5 THE COURT: All right. Thank you. Go ahead.

6 Q (By Mr. Rothert) Now, was any -- were any people who were  
7 caught in this group able to get into buildings that you saw  
8 or get out any other way?

9 A No, I don't -- I don't remember seeing anyone going into  
10 buildings to try to flee.

11 Q So once you were kettled in, did you -- did the police  
12 give any directions then once you were --

13 A I heard an order for us to "Get on the ground. Get on  
14 the ground. Stop filming. Put your cameras away. Stop  
15 filming." Those were the directions I heard.

16 Q Did you follow all directions?

17 A Yes. I got on the ground. I turned off my phone and put  
18 it in my pocket.

19 Q Were you sprayed with pepper spray or some chemical  
20 agent?

21 A I was repeatedly. I was sprayed while originally  
22 complying to the "Get on the ground." I was sprayed again  
23 while on the ground, and I was sprayed again after I had been  
24 zip-tied.

25 Q And when you say "zip-tied," you mean handcuffed with a

1 zip tie behind your back?

2 A Yes.

3 Q And do you have any idea -- I mean, do you know what you  
4 were doing that caused you to be pepper sprayed?

5 A Originally, I think that they sprayed me because I was  
6 holding a camera. It was a Nikon.

7 Q What about -- were you in any way disobeying or resisting  
8 what was happening?

9 A No, not at all. I -- I wasn't yelling. I wasn't  
10 taunting them. I was -- I was overwhelmed by what was going  
11 on around me, but I wasn't doing anything other than what they  
12 said. I got on the ground. I -- I put my phone away. And I  
13 waited. And then they still sprayed me.

14 Q Did you see other people who were caught in that group  
15 being sprayed?

16 A I did. I saw people sprayed. I saw people kicked and  
17 beaten. I myself was kicked and hit as well.

18 Q Now, you've participated or observed in a lot of  
19 protests, haven't you?

20 A I have.

21 Q All right. And this has included protests in the city of  
22 St. Louis?

23 A Yes.

24 Q Were the incidents of Friday, September 15th, and Sunday,  
25 September 17th, the first time that you were sprayed with

1 chemical agents by the police in the city of St. Louis with no  
2 warning?

3 A No.

4 Q When else has that happened to you?

5 A I was sprayed by SLMPD officers in May of 2015, in the  
6 Holly Hills neighborhood.

7 Q Okay. And at that time, had you -- were you doing  
8 anything illegal?

9 A No.

10 Q Were you --

11 A I was standing on a sidewalk.

12 Q Were you -- had you been given any warnings?

13 A No. They arrived on the scene and sprayed the protestors  
14 immediately.

15 Q All right. Other than September 15th, September 17th of  
16 this year, and May 19th, 2015, in the Holly Hills  
17 neighborhood, is there anywhere else where you've been sprayed  
18 with chemical agents by the police in the city of St. Louis?

19 A Yes.

20 Q Okay. Where?

21 A I was sprayed at a protest outside the -- the  
22 medium-security institution, the workhouse on Hall Street.

23 Q Okay. Do you know when that was?

24 A I believe it was mid to late July or maybe June of 2017.

25 Q This year; correct?

1 A Yes.

2 Q Any other times that -- beyond -- besides the workhouse,  
3 Holly Hills, and the two times downtown that we've talked  
4 about that you've been sprayed?

5 A Yes. I was --

6 Q In the city of St. Louis? I'm sorry.

7 A Yes.

8 Q Okay.

9 A I was sprayed in October, mid October of 2014, down near  
10 Vandeventer and Manchester. They also tear-gassed us that  
11 night.

12 Q Okay. And were you doing anything illegal that time?

13 A Not at all. I was acting as a legal observer for the  
14 National Lawyers Guild. I hadn't participated in the protests  
15 in any way. I was just there to document what was going on.  
16 I was standing on a sidewalk across the street from the  
17 protest, and the police saw fit to tear-gas the three legal  
18 observers individually. They didn't tear-gas the crowd of  
19 protestors.

20 Q Were you doing anything -- were you given any warnings in  
21 October 2014 before you were tear-gassed?

22 A Not at all. And that was only one of the times that  
23 month that I was tear-gassed. I also was -- I'm sorry. I was  
24 sprayed. I also was sprayed at the intersection of Grand and  
25 Arsenal at some point that same week. The police sprayed a

1 large group of people, including me.

2 Q Okay. Were you doing anything illegal then?

3 A I was not.

4 Q Given any warnings?

5 A Not that I recall.

6 Q All right. And I didn't ask about the workhouse. At the  
7 workhouse in July of this year, were you doing anything  
8 illegal?

9 A No.

10 Q Was it a protest?

11 A Yes.

12 Q All right. Were you given any warnings before the  
13 chemical agents were used?

14 A I don't recall.

15 THE COURT: Counsel, excuse me a moment. We're going  
16 to take a break at this time. Just be back up there. You can  
17 step down. Just be back up in 15 minutes.

18 THE WITNESS: Yes, Your Honor.

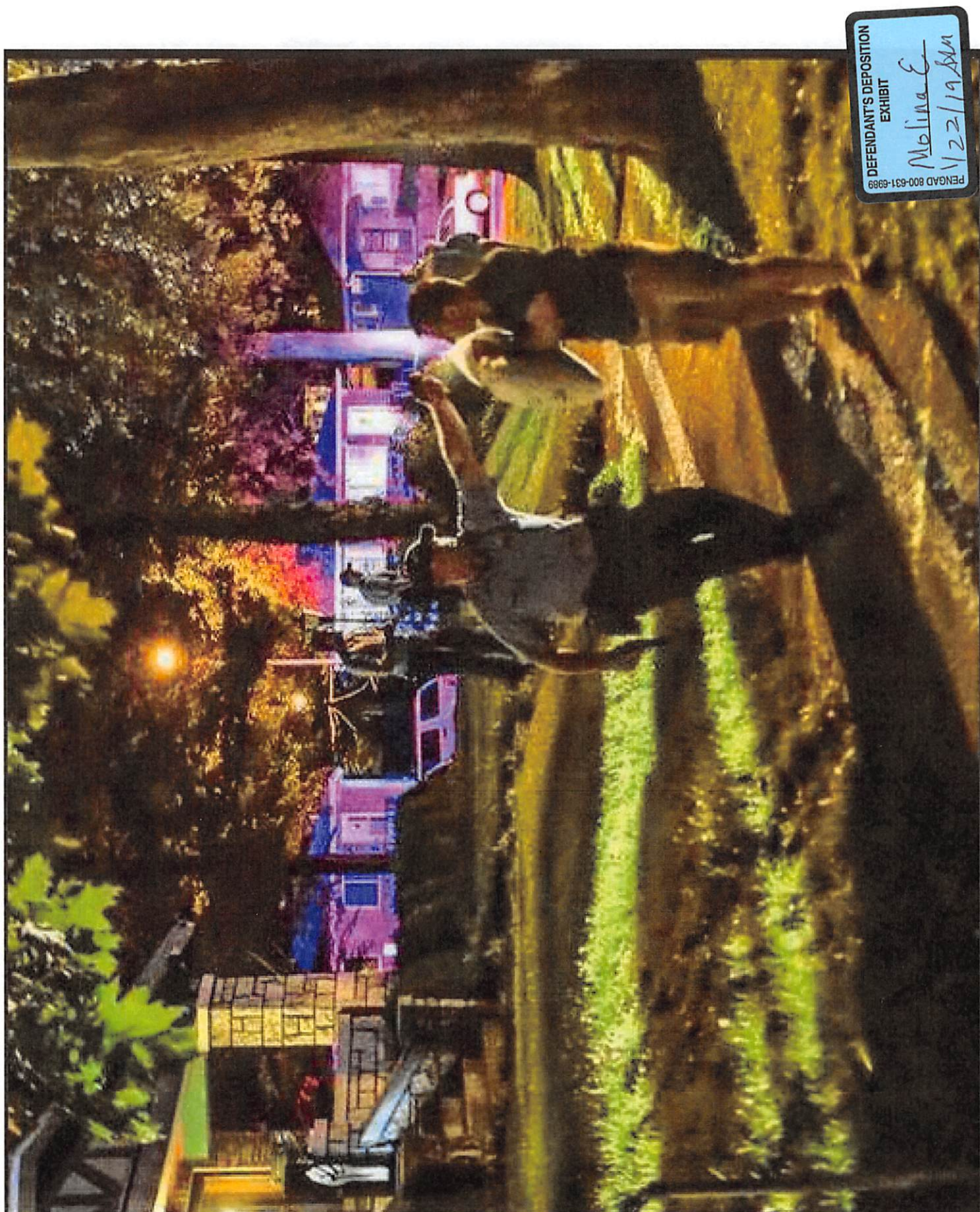
19 THE COURT: We'll take a 15-minute break. Before we  
20 do, I wanted to ask a question about your motion to exclude  
21 witnesses.

22 You can step down.

23 THE WITNESS: Yes, yes, ma'am.

24 THE COURT: For the lawyers because in your motion  
25 you said you request the Court to exclude from the courtroom





DEFENDANT'S DEPOSITION  
EXHIBIT  
Molina E  
1/22/19 AM  
PENGAD 800-631-6989

Q 12

↕ 56

♡ 37

✉

✓